

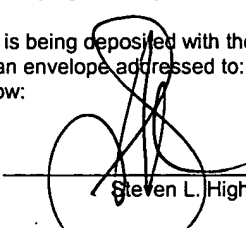


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May 2, 2003  
Date

  
Steven L. Highlander

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Penelope N. MARKHAM et al.

Serial No.: 09/816,761

Filed: March 23, 2001

For: BACTERICIDAL ANTIMICROBIAL  
METHODS AND COMPOSITIONS FOR  
USE IN TREATING GRAM POSITIVE  
INFECTIONS

Group Art Unit: 1641

Examiner: S. Devi

Atty. Dkt. No.: IFLX:003US/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed December 5, 2003, finally rejecting claims 14-40, 44-60 and 78-79.

The fee for filing this Notice of Appeal is \$160 and is attached hereto.

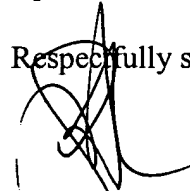
05/07/2003 JADD01 00000019 09816761  
01 FC:2401 160.00 OP

Also, a request for a two-month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This two-month extension will bring the due date to May 5, 2003. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/IFLX:003US/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



Steven L. Highlander  
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Attorney for Applicants

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Date: May 2, 2003